IN THE OFFICE OF THE STATE ENGINEER OF THE STATE OF NEVADA

In the matter of Application Number **71171**

FILED BY **THE SOUTHERN NEVADA WATER AUTHORITY,**
ON **MAY 6, 2004,** TO APPROPRIATE THE WATERS
OF **UNDERGROUND, APPROXIMATELY 10 MILES W- SW OF INDIAN SPRINGS, NV**

PROTEST

FILED
AUG 23 2004
STATE ENGINEER'S OFFICE

Comes now Cold Creek Canyon Homeowners Association whose post office address is... HCR 38 Box 959 Las Vegas, NV 89124 whose occupation is Homeowners Association and protests the granting of Application Number **71171**, filed on **May 6, 2004** by **The Southern Nevada Water Authority** to appropriate the waters of **Underground, approximately 10 miles W- SW of Indian Springs, NV** situated in **Clark** County, State of Nevada, for the following reasons and on the following grounds, to wit:

PLEASE SEE ATTACHED PAGE

THEREFORE the Protestant requests that the application be **DENIED** and that an order be entered for such relief as the State Engineer deems just and proper.

Signed [signature]
Agent or protestant

David C. Carlson-President
HCR 38 Box 849
Las Vegas, NV 89124

Subscribed and sworn to before me this 20th day of August, 2004

Barbara J. Martinez
Notary Public

State of Nevada

County of Clark

BARBARA J. MARTINEZ
Notary Public, State of Nevada
Appointment No. 00-60167-1
My Appt Expires Dec 25, 2007

☞ **$25 FILING FEE MUST ACCOMPANY PROTEST. PROTEST MUST BE FILED IN DUPLICATE. ALL COPIES MUST CONTAIN ORIGINAL SIGNATURE.**

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ATTACHMENT

IN THE MATTER OF APPLICATION NUMBER 71171
REASONS SUPPORTING DENIAL OF APPLICATION

1. Cold Creek Canyon Homeowners Association (CCCHOA) represents approximately 200 lots which draw water from the Cold Creek Spring for their sustainability. The Cold Creek Spring surfaces and begins its flow within the CCCHOA property boundaries. CCCHOA has water rights under permit number 36526. The Cold Creek Spring is located a relatively short distance (approximately 14 miles South-Southeast of Indian Springs) from the basin from which proposed Southern Nevada Water Authority (SNWA) wells propose to draw water.

2. Cold Creek Spring and its water table would most likely be impacted in a very negative way by the SNWA proposed pumping of 16,000 acre-feet per year of water. Cold Creek Springs shallow above ground flow lasts less than two miles before returning underground into the Indian Springs drainage.

3. Any decrease of water supply to CCCHOA homeowners would have devastating economic consequences. Land and home values are completely dependent upon water supply and sustainability. CCCHOA residents do not have any other options for obtaining water from other sources as does the Las Vegas Valley Water district (LVVWD).

4. The aboveground flow from Cold Creek Canyon is partially diverted to supply water for three ponds. The largest of the three ponds was constructed by Clark County for the main purpose of fighting fires. The additional two ponds feed into this larger pond. In addition to the immense necessity of having this water available for fire fighting purposes, the Cold Creek Spring is the source from which the U. S. Department of Forestry (USDF) and The Bureau of Land Management (BLM) depend on to provide aboveground water to the only pond deep enough to be used for firefighting. This pond was heavily utilized by firefighters this year and last year in suppressing forest fires within the Spring Mountain National Recreations Area (SMNRA) and adjacent Toyiabe National Forest. There is no other water supply for hundreds of square miles which can replace this valuable resource for firefighters. If downstream pumping decreases the flow of Cold Creek Stream, the pond will empty and the entire SMNRA would be placed at substantially greater fire risk. This single pond has been depended upon by firefighters to control and prevent devastating wildfires.

5. This beautiful Cold Creek Canyon area also has created an unsurpassed environment for the preservation of local and migratory wildlife as it feeds a most unique riparian environment recently put under protection by the Bureau of Land Management. The flow of Cold Creek Spring has always been very shallow and any slight reduction in the flow rate would ultimately cause the aboveground stream to disappear. In turn this would cause the ponds to dry up. Irreparable harm would be done to wildlife and irretrievable damage to all who have invested a great deal in their properties and have found solace in this area that should without question be preserved.

6. The USDF and the BLM have assisted the Cold Creek Canyon Volunteer Fire Department's (CCCVFD) efforts to maintain and preserve Cold Creek Springs aboveground flow because they understand the importance of having a dependable supply of water to a pond sufficiently large enough to allow firefighting helicopters to refill their tanks.

7. With great consideration of sustaining the wildlife and community, Cold Creek Canyon offers a most unique and desirable area for recreation and enjoyment for may people in surrounding areas. It would be most regrettable if the preservation of this area were to be left to deteriorate due to poor planning of surrounding areas and sincere inconsideration.

- The Protestant requests that the State of Nevada Engineer ***DENY*** this application, (#71171) and and the associated applications (#71167 through # 71173 inclusive,) without further consideration or hearing.

The protestant reserves the right to amend the subject protest to include such issues as they may develop as a result of further information and study.